

**Union Calendar No. 257**

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4031**

**[Report No. 103-4651]**

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**A BILL**

To provide for the prosecution as adults of juveniles 13 years old or older for certain crimes of violence.

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MARCH 25, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

## Union Calendar No. 257

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4031

[Report No. 103-465]

To provide for the prosecution as adults of juveniles 13 years old or older for certain crimes of violence.

### IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 1994

Mr. SCHUMER introduced the following bill; which was referred to the Committee on the Judiciary

MARCH 25, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 15, 1994]

## A BILL

To provide for the prosecution as adults of juveniles 13 years old or older for certain crimes of violence.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Juvenile Prosecution*  
5 *Act of 1994”.*

1 **SEC. 2. PROSECUTION AS ADULTS OF CERTAIN JUVENILES**  
2 **FOR CRIMES OF VIOLENCE.**

3 (a) *PROSECUTION AS ADULTS.*—The 4th undesignated  
4 paragraph of section 5032 of title 18, United States Code,  
5 is amended by striking “; however” and inserting “. In the  
6 application of the preceding sentence, if the crime of vio-  
7 lence is an offense under section 113(a), 113(b), 113(c),  
8 1111, 1113, or, if the juvenile possessed a firearm during  
9 the offense, section 2111, 2113, 2241(a), or 2241(c) of this  
10 title, ‘thirteen’ shall be substituted for ‘fifteen’ and ‘thir-  
11 teenth’ shall be substituted for ‘fifteenth’. Notwithstanding  
12 sections 1152 and 1153 of this title, no person subject to  
13 the criminal jurisdiction of an Indian tribal government  
14 shall be subject to the preceding sentence for any offense the  
15 Federal jurisdiction for which is predicated solely on In-  
16 dian country as defined in section 1151 of this title, and  
17 which has occurred within the boundaries of such Indian  
18 country, unless the governing body of the tribe has elected  
19 that the preceding sentence have effect over land and persons  
20 subject to its criminal jurisdiction. However”.

21 (b) *FEDERAL PRIORITY IN DEALING WITH CERTAIN*  
22 *CRIMES.*—The first undesignated paragraph of section 5032  
23 of title 18, United States Code, is amended by inserting  
24 “or an offense that is a crime of violence under section  
25 113(a), 113(b), 113(c), 1111, 1113, or if the juvenile pos-  
26 sessed a firearm during the offense, section 2111, 2113,

1 2241(a), or 2241(c) of this title” after “not exceed six  
2 months”.

3 **SEC. 3. COMMENCEMENT OF JUVENILE PROCEEDING.**

4 Section 5032 of title 18, United States Code, is  
5 amended by striking “Any proceedings against a juvenile  
6 under this chapter or as an adult shall not be commenced  
7 until” and inserting “A juvenile shall not be transferred  
8 to adult prosecution nor shall a hearing be held under sec-  
9 tion 5037 (disposition after a finding of juvenile delin-  
10 quency) until”.

11 **SEC. 4. SEPARATION OF JUVENILE FROM ADULT**  
12 **OFFENDERS.**

13 Section 5039 of title 18, United States Code, is  
14 amended by inserting “, whether pursuant to an adjudica-  
15 tion of delinquency or conviction for an offense,” after  
16 “committed” the first place it appears.